



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,757	12/29/2000	Shmuel Shaffer	062891.0418	5060

7590 03/31/2003

Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, TX 75201-2980

[REDACTED] EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
2645	5

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/751,757

Applicant(s)

SHAFFER ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 29 December 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-42 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 13, 26, 39 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "primary position" is not clearly defined.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4, 5, 7-9, 17, 18, 20-22, 30, 31, 33-35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention. The term “status” of claims 4, 5, 7-9, 17, 18, 20-22, 30, 31 and 33-35 are not disclosed by the specification. On Fig. 2 of the specification, the CoS was illustrated without describing “status” of CoS. Also, on line 17-29 page 17 of the specification, the CoS for the called party was addressed without disclosing how the “status” is associated with the called party.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 11, 13-15, 24, 26-28, 37 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Dans (US: 6195417).

For claims 1, 14 and 27, Dans teaches a messaging system (“telephone accessible bank information systems” of Dans; column 2 line 42). Dans teaches on column 4 line 61-63 a request for connection is received by a main computer (the claimed “controller”). Dans also teaches on column 12 line 8-14 when a busy signal is received (reads on the claimed “determining....the messaging system is available”) the request is re-queued (the claimed “queuing the request”).

Regarding claims 2, 15 and 28, Dans teaches on column 10 line 59-62 when the line manager identifies the telephone line resource it dials the bank information system and sends the DTMF tones to activate the bank information system’s menu (reads on the claimed “connecting the user with the messaging system if the messaging system is initially available”).

Regarding claims 11, 24 and 37, Dans teaches on column 11 line 37 to column 12 line 14 queuing the request based on a time (“non-high priority time window” of Dans).

Regarding claims 13, 26 and 39, Dans teaches on column 11 line 53-54. The “requests (in a queue) with priority greater than X” reads on the claimed “primary position in a queue”.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dans as applied to claim 1 above, and in view of Oliva (US: 6459681). Dans failed to teach “determining a class of service.....based on the CoS”. However, Oliva teaches on column 8 line 25 queuing based on CoS. It is inherent that the CoS must be determined for the queuing to be based on. It would have been obvious to one skilled at the time the invention was made to modify Dans to have the “determining a class of service.....based on the CoS” as taught by Oliva such that the modified system of Dans would be able to support the CoS queuing to the system users.

5. Claims 4, 17 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dans and Oliva as applied to claim 3 above, and in view of Kia et al (US: 6404870). Dans and Oliva failed to teach the CoS includes a status associated with the user. However, Kia et al teach on column 7 line 64 “the status of the class of service”. It would have been obvious to one skilled at the time the invention was made to modify Dans and Oliva to have the CoS includes a status associated with the user as taught by Kia et al such that the modified system of Dans and Oliva would be able to support the status of CoS to the system users.

Art Unit: 2645

6. Claims 5, 6, 18, 19, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dans, Oliva and Kia et al as applied to claim 4 above, and in view of Storch et al (US: 5920846).

Regarding claims 5, 18 and 31, Dans, Oliva and Kia et al failed to teach “the status associated....number of the user”. However, Storch et al teach on column 56 line 62 to column 57 line 7 the status (“status code” of Storch et al) is established according to service order number (the claimed “identification number”). It would have been obvious to one skilled at the time the invention was made to modify Dans, Oliva and Kia et al to have the “the status associated....number of the user” as taught by Storch et al such that the modified system of Dans, Oliva and Kia et al would be able to support the status based on an identification number to the system users.

Regarding claims 6, 19 and 32, the modified system of Dans, Oliva and Kia et al in view of Storch et al as stated in claim 5 above failed to teach “determining a telephone number....number of the user”. However, Storch et al teach on column 9 line 65 to column 10 line 9 the service request (reads on the claimed “identification number”; column 56 line 62 to column 57 line 7) corresponds to the telephone number. It would have been obvious to one skilled at the time the invention was made to modify Dans, Oliva, Kia et al and Storch et al to have the “determining a telephone number....number of the user” as taught by Storch et al such that the modified system of Dans, Oliva, Kia et al and Storch et al would be able to support the identification number corresponding to the telephone number to the system users.

Art Unit: 2645

7. Claims 7, 20 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dans and Oliva as applied to claim 3 above, and in view of Garland et al (US: 6493445). Dans and Oliva failed to teach the CoS includes a status associated with a called party. However, Garland et al teach on column 4 line 6-7 class of service of the called party. It would have been obvious to one skilled at the time the invention was made to modify Dans and Oliva to have the CoS includes a status associated with a called party as taught by Garland et al such that the modified system of Dans and Oliva would be able to support the called party's CoS to the system users.

8. Claims 8, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dans, Oliva and Garland et al as applied to claim 7 above, and in view of Storch et al (US: 5920846). Dans, Oliva and Garland et al failed to teach "the status.....the called party". However, Storch et al teach on column 56 line 62 to column 57 line 7 the status ("status code" of Storch et al) is established according to service order number (the claimed "telephone number"). It would have been obvious to one skilled at the time the invention was made to modify Dans, Oliva and Garland et al to have the "the status.....the called party" as taught by Storch et al such that the modified system of Dans, Oliva and Garland et al would be able to support the status to the system users.

9. Claims 9, 10, 22, 23, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dans and Oliva as applied to claim 3 above, and in view of Deutsch et al (US: 6219415). Regarding claims 9, 22 and 35, Dans and Oliva failed to teach "the CoS includes.....for connection". However, Deutsch et al teach on column 4 line 25-41 the status associated with the

type of connection includes “hold” and “camp-on”. It would have been obvious to one skilled at the time the invention was made to modify Dans and Oliva to have the “the CoS includes....for connection” as taught by Deutsch et al such that the modified system of Dans and Oliva would be able to support the status to the system users.

Regarding claims 10, 23 and 36, Dans teaches on column 2 line 41-67 a caller calls (claimed “request for connection”) the bank information system to review a message.

10. Claims 12, 25 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dans as applied to claim 1 above, and in view of Lindholm et al (US: 6512825). Dans failed to teach the messaging system comprises a voicemail system. However, Lindholm et al teach on column 2 line 14 voice mail system. It would have been obvious to one skilled at the time the invention was made to modify Dans to have the messaging system comprises a voicemail system as taught by Lindholm et al such that the modified system of Dans would be able to support the voicemail system to the system users.

11. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dans, and in view of Pandharipande (US: 6529500). The rejections for claim 1 and 2 as stated above apply. Dans failed to teach authenticating the user for access. However, Pandharipande teaches on column 1 line 16-19 a password (reads on the claimed “authenticating”) is required for accessing the voicemail. It would have been obvious to one skilled at the time the invention was made to

modify Dans to have the authenticating the user for access as taught by Pandharipande such that the modified system of Dans would be able to support the authenticating to the system users.

12. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dans and Pandharipande as stated in claim 40 above, and in view of Oliva (US: 6459681). Dans and Pandharipande failed to teach “queuing....the connection”. However, Oliva teaches on column 8 line 25 queuing based on CoS. It would have been obvious to one skilled at the time the invention was made to modify Dans and Pandharipande to have the “queuing....the connection” as taught by Oliva such that the modified system of Dans and Pandharipande would be able to support the CoS queuing to the system users.

13. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dans and Pandharipande as stated in claim 40 above, and in view of Burg et al (US: 6456699). Dans and Pandharipande failed to teach “transferring a login token.....messaging system”. However, Burg et al teach on column 3 line 31-32 the IVR system verifies the password for the voice response system. It is inherent that the IVR must transfer a login token to the messaging system (the “voice response system” of Burg et al) so that the messaging system does not need to authenticate the user again (see line 9-12 page 21 of specifications regarding the limitation disclosure). It would have been obvious to one skilled at the time the invention was made to modify Dans and Pandharipande to have the “transferring a login token.....messaging system” as taught by Burg et al such that the modified system of Dans and Pandharipande would be able to support the transferring a login token to the system users.

***Conclusion***

14. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Oliva (US: 6504820) teaches method and system for connection admission control.

15. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to TC2600's Customer Service FAX Number 703-872-9314.**

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

